

REMARKS/ARGUMENTS

Claims 24-31, 33 and 34 are pending in the present application. Claim 24 has been amended. Reconsideration is respectfully requested in light of the foregoing amendments and the following remarks.

Informal Proposed Amendment Sent Via Fax to Examiner Clement on March 26th, 2010

Applicant thanks the Examiner for considering the proposed amendment to claim 24, which was sent via Fax to the Examiner's attention on March 26th, 2010. Applicant also thanks the Examiner for the telephone message left for Applicant's representative, Babak Kusha, indicating that the Examiner would be willing to discuss the proposed amendment in an interview prior to the formal filing of the amendment along with a Request for Continued Examination (RCE). However, unfortunately, the Examiner and the Applicant were not able to arrange for such a formal interview in spite of several attempts by the Applicant's representative to set up such an interview. It is the Applicant's intention to reach agreement that the proposed amendment to claim 24 overcomes the section 103 rejection of the claims. The present response is filed as a follow up to the previously-faxed proposed amendment and the unsuccessful attempts at an interview with the Examiner.

Claim Rejections – 35 USC § 103

Claims 24-27, 29-31, 33 and 34 stand rejected under 35 U.S.C. 103(a) as allegedly being obvious over Leek et al. (U.S. Patent No. 3,023,527), hereinafter "Leek", in view of Sasaki (U.S. Patent No. 5,294,013), hereinafter "Sasaki".

Claim 28 has been rejected under 35 U.S.C. 103(a) as allegedly being obvious over Leek in view of Sasaki as applied to claim 24 above, and further in view of Rickenbacher (U.S. Patent No. 2,308,627), hereinafter "Rickenbacher".

Applicant notes that in spite of the previous amendment filed September 1, 2009, the Office Action, in the Response to Arguments, disagreed with the Applicant's contention that Leek does not show a barrel and screws that fix the barrel to the rifle support. The Office Action's contention is that Leek shows a barrel that fixes the barrel to the rifle support.

In order to further the prosecution of the presently pending claims and to better define the presently pending claims over the cited references, Applicant has amended independent claim 24 as set forth above, without acquiescence or prejudice. Applicant respectfully submits that independent claim 24, as amended, is not obvious over the combination of Leek and Sasaki, for reasons set forth below.

Turning to the primary reference, Applicant respectfully submits that in connection with independent claim 24, Leek does not even show a barrel and screws that pass through the rifle support and screw into the exterior wall of said projectile propulsion mechanism to fix the barrel to the rifle support; nor does it disclose the claimed protective cover that covers, inter alia, the heads of screws that fix the barrel with the rifle support. Leek is concerned with eliminating the receiver and all the attachment means generally needed to fasten the barrel to a receiver (e.g. see col. 1, lines 24-35). In Leek, how the barrel is supported is disclosed in: col. 2, lines 57-59; col. 3, lines 17-53, and in Fig. 4 and its related description. The entire Leek disclosure is silent regarding use of screws that pass through the rifle support and screw into the exterior wall of said projectile propulsion mechanism to fix the barrel to the rifle support, as is recited by claim 24. The only reference in Leek to screws is in connection with reference numeral 71 in Fig. 4. The screws 71 are actually exposed (as opposed to covered as is recited by claim 24) and such a pair of adjusting screws provide for windage or lateral adjustment of the sight leaf (e.g. see col. 5, lines 70-73); and are not screws that fix the barrel to the rifle support; and which are covered by a protective cover that covers an area on the rifle support including heads of the screws to protect a user therefrom. Importantly, Leek's disclosure is focused on the elimination of all conventional structures that are used to fix the barrel to the rifle support. Applicant respectfully submits that Leek fails to disclose a barrel and screws that pass through the rifle support and screw into the exterior wall of said projectile propulsion mechanism to fix the barrel to the rifle support; nor does it disclose the claimed protective cover, as is recited by claim 24.

Applicant further submits that not only is Leek deficient in the above-mentioned manners, but also that Leek teaches away from use of conventional structures that are used to fix

the barrel to the rifle support; and hence also teaches away from using a cover to fit over heads of screws used to fix the barrel to the rifle support.

Turning to the hypothetical combination of Leek and Sasaki as suggested by the Office Action, Applicant submits that since Leek is deficient in the above-described manners and since Leek teaches away from using conventional structures that are used to fix the barrel to the rifle support, it would be against the teachings of Leek to combine it with Sasaki, for reasons set forth below. For one, Applicant submits that Sasaki is entirely and grossly non-analogous with Leek and the present application. The presently claimed invention and Leek are concerned with the mounting of a rifle barrel with its support. Sasaki is related to a "screw cover" and its mating screw cover storing portion, where an engaging claw is used to secure the screw cover to the screw cover storing portion in a rectilinear portable electronic apparatus. The use of the engaging claw in Sasaki enables the easy removal of the screw cover from the screw cover storing portion. Sasaki's disclosure and teachings are so unrelated to the Leek reference that Applicant cannot even imagine why a person skilled in the rifle arts would look to a screw cover for a screw cover storing portion in a portable electronic device. Surely, a person of ordinary skill in the rifle arts would look to a reference that was at least tangentially related to gunsmithing. Applicant is left to infer that the combination as suggested by the Office Action is a result of impermissible hindsight partly afforded by the disclosure of the present application, and thus an impermissible basis for an obviousness rejection. Not only is the hypothetical combination an impermissible one since it is based on impermissible hindsight but also that the proposed hypothetical combination as suggested by the Office Action would destroy the novelty of Leek. Leek's disclosure is directed at eliminating the use of conventional structures that are used to fix the barrel to the rifle support and as such Leek does not need such a fixing device, or, for that matter, a cover that covers the screw heads of the fixing device (e.g., see col. 1, lines 24-34 and col. 7, lines 67-75). Specifically, Leek at col. 7, lines 67-75 states:

"...it will be noted that the receiver portion B of the stock assembly provided in this invention takes care of all of the functional requirements of the receiver of a conventional firearm, without requiring the complicated and difficult internal machining operations and

without requiring the complications in conventional designs entailed by the necessity for securing stock, barrel, fore-end, etc., to the conventional receiver and/or stock.”

As can be seen, Leek is entirely silent on the details and arrangements of securing the barrel to the stock; or for providing a protective cover for such an arrangement. Modifying Leek as suggested by the Office Action to include something Leek strives to eliminate is not what an ordinary skilled person would do; not to mention that a person of ordinary skill in the art who would study Leek would not look to Sasaki for modifications. A person of ordinary skill in the art who would study Leek would not look to Sasaki for modifications (allegedly a fixing device that fixes a main body to an area to be covered) since Leek teaches the elimination of designs for securing a barrel to a stock. Applicant submits that it is against the logic and teachings of Leek to modify Leek so it includes structures that Leek strives to eliminate by its inventive contributions. Even if one was motivated to combine Sasaki with Leek, which Applicant submits as being illogical, the hypothetical combination fails because Leek’s deficiencies are not met by Sasaki. As set forth above, Sasaki is not even remotely related to the art of securing a rifle barrel with a stock, and for that matter Sasaki is grossly lacking in such related disclosures or teachings. While Applicant agrees that Sasaki’s abstract mentions the phrase: “screw cover”, in no way does Sasaki address the above shortcomings of Leek. The “screw cover” of Sasaki has a portion that includes an engaging claw so that the cover is easy to remove from the screw cover storing portions. The hypothetical combination of Leek and Sasaki fails partly because Leek teaches the elimination of securing screws to fix a barrel with a rifle support. Why would a person skilled in the art use Leek’s teachings to allegedly get motivated to add a screw to Leek in the first place and having no reason to do so, why would the ordinary skilled person then look for a screw cover that has an engaging claw so that it could be easily removed from a screw cover storing portion? The logic fails and Applicant declines to speculate. And what relevance do any of these teachings or hypothetical combinations have on the presently pending claims? Applicant answers that these teachings or hypothetical combinations have no relevance to the presently pending claims.

The hypothetical combination of Leek and Sasaki fails also because regardless of the flawed logic, the combination still does not render the presently claimed invention obvious because the combination does not disclose or suggest every limitation of the claimed rifle. Neither Leek, nor Sasaki, nor a combination thereof disclose or suggest the claimed rifle that, inter alia, includes

a protective cover that covers an area on the rifle support including heads of the screws to protect a user therefrom, the protective cover comprising;

a main body having a predetermined length and width corresponding to a length and width of the area to be covered on the rifle support; and

a fixing device that fixes the main body to the area to be covered, wherein the fixing device comprises one or more deformable protrusions on the main body that push-fit mate with one or more corresponding recesses on the rifle support.

Furthermore, the Office Action rightly recognizes that Leek also does not expressly disclose the specific fixing device that fixes the main body (of the protective cover) to the area to be covered. Applicant agrees with this finding. In addition, Applicant also submits that Leek is further deficient for reasons set forth above. The Office Action then goes to allege that Sasaki teaches the claimed fixing device for the protective cover. Here, Applicant disagrees. While Sasaki refers to a “screw cover” in its abstract, this reference is to a portable electronic device. Nowhere does Sasaki address the above shortcomings of Leek and nowhere does Sasaki disclose or suggest the claimed *protective cover that covers an area on the rifle support including heads of the screws to protect a user therefrom, the protective cover comprising;*

a main body having a predetermined length and width corresponding to a length and width of the area to be covered on the rifle support; and

a fixing device that fixes the main body to the area to be covered, wherein the fixing device comprises one or more deformable protrusions on the main body that push-fit mate with one or more corresponding recesses on the rifle support.

At least for these reasons, Applicant requests the withdrawal of this section 103 rejection of claim 24. Dependent claims 25-31 depend from claim 24 and are also allowable for at least the same reasons and for additional features which they recite. Furthermore, these

rejected claims which derive patentability from claim 24, also recite novel and non-obvious claim limitations which are not taught or suggested by the prior art. At least for these reasons, Applicant requests the withdrawal of the section 103 rejection of claims 25-27, and 29-34.

In connection with claim 28, Applicant respectfully submits that claim 28 derives patentability from claim 24, and also recites novel and non-obvious claim limitations which are not taught or suggested by the prior art. At least for these reasons, Applicant requests the withdrawal of this section 103 rejection of claim 28.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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